IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2870 OF 2006

The State of Maharashtra ..Applicant
V/s
Suresh Hari Hire ..Respondent.

Mrs. M.H. Mhatre, APP for the applicant
None for the respondent.

CORAM : J.H. BHATIA, J.

DATE : 3RD APRIL, 2007.

P.C.

. Heard Mrs. Mhatre, learned APP for the applicant. None for the respondent, though served.

2. This is an application for leave to prefer an appeal against the order of acquittal passed by the 7th Ad-hoc Additional Sessions Judge, Nasik, in Sessions Case No.103/2005 for the offence punishable under section 306 IPC.

3. The prosecution case, in brief, is that on 21/2/2005 one Harish was found hanging with Ceiling Fan in the room No. 105 of Shilpa Lodge,Vani. In his diary, suicide note was found. Thereafter his brother

Dinesh also lodged a report with the police. It was transpired that about two months prior to the suicide, Harish and his friend had been to a Tamasha Theater to watch a programme. There Harish had some arguments with the accused/respondent and his brother Ganpat. Next morning the accused and his brother went to the shop of Harish and beat hin. His brother intervened but he was also abused by the accused. About the incident Harish had lodged a report with the police and police had initiated preventive action by filing a chapter cases under section 110 of Cr.P.C. Even after that the accused continued to harass him by saying how he was taught a lesson. Because of this, Harish used to be under tension and was depressed and ultimately he committed suicide. After trial the learned trial Court acquitted the accused holding that prosecution had failed to prove that the accused had abetted Harish to commit suicide. Taking into consideration the circumstances of the case, it is difficult to take a different view of the matter. Merely because some arguments or some quarrel had taken place between the two, it cannot be held that the accused had abetted Harish to commit suicide. I find no substance in the proposed appeal.

3. For the reasons stated above, leave to prefer an appeal refused. Application stands rejected.

(J.H. BHATIA, J.)